

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Meyer et al.

Group Art Unit: 2157

Serial No.: 09/633,087

Examiner: Burgess, Barbara N.

Filed: August 4, 2000

Attorney Docket: 5500-98300

For: IMPLEMENTING LOCKS IN
A DISTRIBUTED
PROCESSING SYSTEM

****CERTIFICATE OF E-FILED TRANSMISSION****	
I hereby certify that this correspondence is being transmitted via electronic filing to the United States Patent and Trademark Office on the date shown below	
B. Noel Kivlin	
Printed Name	
/ B. Noel Kivlin /	August 11, 2008
Signature	Date

**REQUEST FOR RECONSIDERATION OF
PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Applicant hereby submits this Request for Reconsideration of Petition in the above-identified application. The records of the U.S. Patent Office indicate Applicant did not respond within the statutory period of six months from the date of an Office Action apparently mailed on or about June 10, 2007 (according to information provided by the Examiner to Applicant's undersigned representative in a telephone communication on December 21, 2007).

As stated to the Examiner in the December 21, 2007 telephone call, as well as a follow up telephone call on January 9, 2008, Applicant did not receive the Office Action mailed on or about June 10, 2007. Attached hereto is a true and correct copy of the docket record of the undersigned with regard to the subject application. The undersigned has no record of receipt of an Office Action mailed on or about June 10, 2007 with regard to the above-identified application

Applicant believes the Office Action was not received because the Patent Office indicated the wrong correspondence address for this application. Applicant filed a Notice of Change of Address on October 5, 2003, to attempt to change the Applicant's correspondence address (copy attached, along with date-stamped postcard receipt). However, upon researching

the file, Applicant notes from correspondence received from the U.S. Patent and Trademark Office that Applicant's address had not been changed from previous counsel.

On March 30, 2004, the U.S. Patent Office mailed an Office Action addressed to Fletcher Yoder & Van Someren, which was received by Fletcher Yoder on April 2, 2004 as indicated by Fletcher Yoder's date stamp. Fletcher Yoder forwarded the Office Action to the undersigned which was received on June 30, 2004 (see attached copy.) Applicant responded to the Office Action on June 30, 2004; however, Applicant notes the serial number used in the Amendment was incorrect.

On February 5, 2005, Applicant resubmitted the Amendment; Response to Office Action by facsimile to Examiner Barbara Burgess.

On June 12, 2006, Applicant filed a Status Inquiry.

On October 20, 2006, the U.S. Patent Office mailed an Office Action addressed to Fletcher Yoder & Van Someren, which was received by Fletcher Yoder on October 27, 2006 as indicated by Fletcher Yoder's date stamp. Fletcher Yoder forwarded the Office Action to the undersigned which was received on January 20, 2007 (see attached copy.) Applicant responded to the Office Action on February 20, 2007; however, Applicant notes the serial number used in the Amendment was incorrect.

On January 9, 2008, Examiner Burgess faxed a copy of an Office Action (without a cover page) which was purportedly issued on June 10, 2007. However, Applicant is unable to ascertain the mailing address of the Office Action due to lack of receipt of the cover page.

On January 31, 2008, Application filed a Petition to Withdraw Holding of Abandonment alleging non-receipt of the Office Action issued June 10, 2007. The Petition was dismissed without prejudice, concluding "Applicant should file a request for reconsideration and clarify for the record the inconsistency, and explain how it is that Office actions mailed to the prior correspondence address, one of which was mailed more than three years after the correspondence had changed, were received, entered and docketed, and responded to by applicant, while the final

Office action, mailed less than eight (8) months after the non-final Office action and to the same previous correspondence address of record, does not point to a conclusion that the Office action was lost after receipt, rather than lost in the mail.” Applicant believes the foregoing clarifies the record as requested. Applicant further notes the request to change the correspondence mailing address signed by the Assignee’s representative was filed on October 6, 2003. However, the U.S. Patent Office did not change the correspondence address. As a result, Applicant believes the final Office Action may have been mailed to Fletcher Yoder’s address; however, the Office Action was not forwarded to or received by the undersigned from Fletcher Yoder, who was no longer handling the application.

Applicant respectfully submits the Office Action should have been mailed to the undersigned pursuant to the Change of Address filed October 5, 2003 and requests the Office Action be reissued. Applicant requests that the Notice of Abandonment be withdrawn.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5500-98300.

Respectfully submitted,

/ B. Noël Kivlin /

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